IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 4768 of 2004

Between:

K. Rajani Bai W/o Mr. Premsagar
R/o Puligadda, Krishna District

..... PETITIONER

AND

1 The Secretary, A.P.Residential Educational Institutions Society

(Regd) III Floor Gagan Vihiar, Nampalli, Hyderabad
2 The Secretary, A.P. Tribal Welfare Residential Educational

Institutions Society (Regd) Telugu Samkshema Bhavan, Masab

Tank, Hyderabad
3 The Government of Andhra Pradesh, rep by Chief Secretary,

Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more in the form of Writ of Mandamus declaring the proceedings of the 1st respondent in R.C. No. 9020/A4-1/2004 dt 25-2-2004 as illegal and invalid and grant such other incidental and consequential reliefs.

For the Petitioner:MR.T.S.HARNATH, Advocate.

For the Respondent No.1: Mr Vijaya Bhaskarmoola,

Standing Counsel for APREI Society

For the Respondent No.2:Mr.M.Chandraiah, Standing Counsel for

APTWREI Society

For the Respondent No.3: Government Pleader for Education.

The Court made the following O R D E R:

The petitioner seeks a writ of Mandamus declaring the proceedings of the first respondent dated 25-02-2004 as illegal and invalid.

The petitioner was initially appointed as trained graduate teacher in Social Studies subject by the first respondent-Society in the year 1990. Subsequently, in the year 1996, in direct recruitment, she was appointed as post-graduate teacher in Social Studies by the first respondent-society and since then, she has been working in the residential schools under the management of the first respondent. In the year 1999, A.P.Tribal Welfare Residential Educational Institutions Society-second respondent was established. Consequent to the establishment of second respondent-society, options were called for, from the employees, by the first respondent requesting to opt either to the service of first respondent-society or to go to the services of second respondent-society. It is stated that though the petitioner has opted initially to the second respondent-society, but she made a representation to continue at the first respondent-society and thus the petitioner was continuing at the first respondent-society. While so, the first respondent vide the impugned proceedings dated 25-02-2004 issued orders to relieve the petitioner along with others from the division of the first respondent-society to the second respondent-society. Having permitted the petitioner to continue in the first respondent-society, the first respondent passed the impugned proceedings stating that considering her request to continue in the first respondent-society is illegal and therefore, she is liable to be relieved from the first respondent-society to the second respondent-society.

Questioning similar proceedings, W.P.Nos.5996 and 6001 of 2004 were filed. This Court allowed the writ petitions setting aside the impugned orders directing the respondents to pass appropriate orders as per Rules, after affording reasonable opportunity to the petitioner as the said orders were passed without giving any notice to the petitioner.

Admittedly, the impugned order has been passed without giving any notice to the

petitioner. As the impugned order has been passed without giving any notice or opportunity to the petitioner, the same is set aside.

It is brought to my notice that pursuant to the impugned orders, the petitioner has been relieved from the first respondent-society and she joined in the second respondent-society. Hence, It is made clear that till the respondents pass appropriate orders as per the Rules, after affording reasonable opportunity to the petitioner, the petitioner shall continue in the second respondent-society, though the impugned order is set aside.

The writ petition is accordingly allowed. No order as to costs.

Note:Furnish C.C in two days

B/o

vrn

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the Second day of August, Two thousand and Four.

To

1 The Secretary, A.P. Residential Educational Institutions Society

(Regd) III Floor Gagan Vihiar, Nampalli, Hyderabad
2 The Secretary, A.P. Tribal Welfare Residential Educational

Institutions Society (Regd) Telugu Samkshama Bhavan, Masab

Tank, Hyderabad
3 The Chief Secretary, Government of Andhra Pradesh,

Secretariat, Hyderabad

4 Two C.Cs to the G.P for Education, High Court Buildings,

A.P., Hyderabad (OUT)]

5 Two C.D copies